

UNITED STATES DISTRICT COURT
District of Maine

DANIEL DONATELLI,)	
)	
Plaintiff)	
)	
v.)	Civil No. 04-01-P-S
)	
UNUMPROVIDENT CORPORATION, et al.)	
)	
Defendants		

ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE

The United States Magistrate Judge filed with the Court on December 22, 2004 her Recommended Decision (Docket #114). The Defendant filed its objection to the Recommended Decision on January 21, 2005 (Docket #123) and Plaintiff filed his objection to the Recommended Decision on January 21, 2005 (Docket #125). Defendant filed its response to objection on February 7, 2005 (Docket No. 127) and Plaintiff filed his response to objection on February 7, 2005 (Docket No. 128).

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore ORDERED that the Recommended Decision of the Magistrate Judge is hereby AFFIRMED.
2. Plaintiff Donatelli's Motion to Strike (Docket No. 87) is GRANTED IN PART. Plaintiff Donatelli's Motion for Hearing or Leave to File Sur-Reply (Docket No. 111) is DENIED. Defendant UnumProvident's Motion for Summary Judgment (Docket No. 68) is DENIED.

/s/ George Z. Singal
Chief U.S. District Judge

Dated this 17th day of February, 2005.

DANIEL DONATELLI

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V.

Defendant

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THOMAS A H WHITE
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Counter Claimant

**UNUMPROVIDENT
CORPORATION**

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V.

Counter Defendant

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DANIEL DONATELLI